

### **REMARKS**

This application has been carefully reviewed in light of the Office Action mailed September 15, 2005. Claims 1-31 are pending. Reconsideration and favorable action are requested.

#### **Section 103 Rejections**

Claims 1-31 were rejected as being unpatentable over U.S. Patent No. 6,035,346 to Chieng et al. ("*Chieng*") and U.S. Patent No. 6,669,096 to Saphar et al ("*Saphar*"). Applicant respectfully traverses. The Office Action concedes that the limitation "automatically placing the card in a reset mode in response to powering up the card" is not taught by *Chieng* and relies on *Saphar* to teach this limitation. The Office Action states that *Saphar* teaches "power (reset) the card, and performing particular acts on the card upon being powered up." The Office Action states that "*Chieng* would have motivate to implement other types of cards using *Chieng's* system because doing so would add and expand the flexibility of *Chieng* . . . ." However, this motivation merely addresses why *Chieng* would be motivated to implement other types of cards, but does not address why a motivation would exist to modify the method of reprogramming a PCI card as taught by *Chieng* with this element of *Saphar* to allegedly result in Applicant's invention. In short, the assertion that one would be motivated to try different types of cards in *Chieng* does not provide a motivation to modify *Chieng* in the particular manner required by the above claim language; no such motivation exists or has been asserted. Rather, as described below, one would not be motivated to activate "a card in a network element comprising one or more switch cards" by "automatically placing the card in a reset mode in response to powering up the card" as recited by Applicants' Claim 1.

*Saphar* discusses a "smartcard reader with [a] microcontroller and security components." A smartcard is credit-card shaped card containing an integrated circuit generally used to provide for secure transactions. See *Wikipedia.com*. However, *Chieng* teaches "reprogram[ing] flash ROM" of PCI cards. PCI cards are peripheral component interface cards for personal computers. The Office Action argues that it would be obvious to use different types of cards in *Chieng*, but even if this is correct, the motivation to use different cards in *Chieng* would not result in Applicants' limitation of activating "a card in a network element comprising one or more switch cards" by "automatically placing the card in

a reset mode in response to powering up the card.” The motivation cited by the Office Action would only result, at best, in trying a different type of card in *Chieng*, but not utilizing a card that necessarily goes into reset mode in response to powering up of the card. It does not provide a motivation to modify the method of *Chieng* to result in Applicants’ limitation. The fact that a different card may be tried says nothing about the specifics of the particular different card that should be used. In short, there is no motivation in the art nor has one been presented by the Office Action that would suggest to one in the art that a different type of card that necessarily goes into reset mode in response to powering up of the card should be used in *Chieng*. As a result, a prima facie case for obviousness has not been satisfied, and the rejection, if maintained, would clearly be overturned on Panel Review. For at least the above reasons, Claim 1 is allowable, as are the claims depending therefrom. Claims 11, 20, and 26 are allowable for analogous reasons, as are the claims depending therefrom. Favorable action is requested.

In addition, Claims 8-10 and 17 are also allowable for additional reasons. The Office Action concedes that the limitation, a “dedicated download card,” is not expressly taught by *Chieng*. Instead, the Office Action states that

one of ordinary skill would readily recognize that *Chieng's* host processor teaches retrieving and downloading the appropriate executable file based on the inserted card. Further, as for the card transmitting a present or reset message to host processor, *Chieng* teaches the processor recognizing an inserted card, therefore it would have been obvious to one of ordinary skill at the time of the invention was made that the card would transmit a signal alerting the host processor to its present in the system.

Applicants respectfully traverses. The above language neither shows a reference where “a dedicated download card” is taught, nor provides any basis for why one of ordinary skill in the art would incorporate a “dedicated download card” to *Chieng*. For at least this additional reason, Claims 8-10 and 17 should be allowed. Reconsideration and favorable action are requested.

**CONCLUSION**

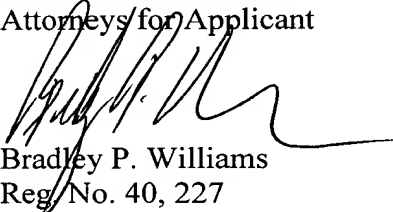
Applicant has now made an earnest attempt to place this case in condition for immediate allowance. For the foregoing reasons and for other apparent reasons, Applicant respectfully requests allowance of all pending claims.

If the Examiner feels that prosecution of the present Application may be advanced in any way by a telephone conference, the Examiner is invited to contact the undersigned attorney at 214-953-6447.

Applicant does not believe that any fees are due. However, the Commissioner is hereby authorized to charge these fees and any extra fee or credit any overpayments to Deposit Account No. 02-0384 of Baker Botts L.L.P.

Respectfully submitted,

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